

Senate Bill No. 2061

Passed the Senate May 14, 1998

Secretary of the Senate

Passed the Assembly July 2, 1998

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add Section 7.5 to the Penal Code, relating to interpretation of criminal provisions.

LEGISLATIVE COUNSEL'S DIGEST

SB 2061, Rainey. Interpretation of criminal provisions.

Under existing law, with respect to the Penal Code, words and phrases must be construed according to the context and the approved usage of the language, except that technical words and phrases, and others that may have acquired a peculiar and appropriate meaning in law, must be construed according to that peculiar and appropriate meaning.

This bill would provide that whenever any offense is described in the Penal Code, the Uniform Controlled Substances Act, or the Welfare and Institutions Code, as criminal conduct and as a violation of a specified code section or a particular provision of a code section, in the case of any ambiguity or conflict in interpretation, the code section or particular provision of the code section shall take precedence over the descriptive language. The bill also would provide that descriptive language shall be deemed as being offered only for ease of reference unless it is otherwise clearly apparent from the context that the descriptive language is intended to narrow the application of the referenced code section or particular provision of the code section.

The people of the State of California do enact as follows:

SECTION 1. Section 7.5 is added to the Penal Code, to read:

7.5. Whenever any offense is described in this code, the Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code), or the Welfare and Institutions Code, as criminal conduct and as a violation of a specified code



section or a particular provision of a code section, in the case of any ambiguity or conflict in interpretation, the code section or particular provision of the code section shall take precedence over the descriptive language. The descriptive language shall be deemed as being offered only for ease of reference unless it is otherwise clearly apparent from the context that the descriptive language is intended to narrow the application of the referenced code section or particular provision of the code section.



Approved _____, 1998

Governor

